

OCT 26 2015

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JAMES JERRY HAIRSTON,  
Plaintiff,

v.

GERALD MCPEAK, et al,  
Defendant(s).

) Civil Action No. 7:15-cv-00529  
)  
)

) MEMORANDUM OPINION  
)

) By: Glen E. Conrad  
) Chief United States District Judge  
)

James Jerry Hairston, proceeding pro se, filed a civil rights complaint, pursuant to 42 U.S.C. § 1983. By order entered October 8, 2015, the court directed plaintiff to submit within 10 days from the date of the order the consent to withholding of fees form to complete the application to proceed in forma pauperis. On October 22, 2015 the conditionally filed order was returned as undeliverable with a file stamp of "Not Here" on the front of the envelope. The Clerk contacted the facility at which plaintiff had filed the complaint and was informed that plaintiff had been released from incarceration on October 8, 2015.

More than 10 days have elapsed, and plaintiff has failed to comply with the described conditions. Accordingly, the court dismisses the action without prejudice and strikes the case from the active docket of the court. Plaintiff may refile the claims in a separate action once plaintiff is prepared to comply with the noted conditions.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to plaintiff.

ENTER: This 26<sup>th</sup> day of October, 2015.

  
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Chief United States District Judge